

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

1259 POST LLC d/b/a FLO'S PIZZERIA  
& SPORTS BAR,

Plaintiff,

v.

EMCASCO INSURANCE CO. and  
EMPLOYERS MUTUAL CASUALTY  
CO.,

Defendants.

Case No. 1:20-cv-00626-HYJ-PJG

Hon. Hala Y. Jarbou

**ORAL ARGUMENT REQUESTED**

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**DEFENDANTS' MOTION TO DISMISS FIRST AMENDED CLASS ACTION  
COMPLAINT AND MOTION TO STRIKE CLASS ALLEGATIONS**

For the reasons argued in their concurrently-filed Memorandum, Defendants Employers Mutual Casualty Company and EMCASCO Insurance Company (collectively, "EMC") bring this motion under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), 12(f), and 23 to (i) dismiss the above-captioned action for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted, as well as to (ii) strike class allegations in the First Amended Class Action Complaint. In accordance with Local Rule 7.1(d), EMC has ascertained that Plaintiff 1259 Post LLC d/b/a Flo's Pizzeria & Sports Bar will oppose the motion.

WHEREFORE, EMC requests that this Court enter an order dismissing Plaintiff's claims against it with prejudice and, alternatively, should any part of Plaintiff's claims survive, to strike Plaintiff's class allegations without leave to amend.

Dated: October 22, 2020

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